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Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi

Second progress report

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I. Introduction

1. This second report was prepared six months after the initial progress report of the Strategic Framework for Peacebuilding in Burundi (PBC/2/BDI/10); it describes progress made during the period July-December 2008 and the remaining challenges to peacebuilding in the next five months, including the recommendations which emerged as a result of the review of the first progress report.

2. As in the previous report, all stakeholders members of the Monitoring and Tracking Mechanism of the Strategic Framework, including civil society, women's organizations, the private sector, political parties, religious communities, the Bashingantahe institution, the United Nations system and bilateral and multilateral partners, under the leadership of the Government, with technical support from the United Nations Integrated Office in Burundi (BINUB), were also involved in the preparation of the report. Work on the report started late and stakeholder participation was limited. Some inputs were provided after the initial draft of the report had been completed, complicating the finalization of the report.

3. While stakeholders had been heavily involved in the preparation of the initial report, securing a similar level of involvement proved a challenge during the critical period from December 2008 to January 2009. Some stakeholders provided their inputs only after the first draft of the report had been considered by the Strategic Forum. Even though attempts were made to facilitate the process based on the lessons learned from the initial report, including by assigning a consultant to the working groups to consolidate their inputs, the level of involvement fell short of the requirement of a participatory and inclusive process. Despite the efforts of all concerned, the Strategic Framework is yet to be fully understood as a tool for political dialogue. The very usefulness of the United Nations Peacebuilding Commission is questioned in some quarters.

4. This report indicates the progress made and challenges ahead and considers prospects for enhanced dialogue and national and international partnership on issues relating to peacebuilding in Burundi.

5. The report contains three main parts:

(a) Analysis of the trends and an evaluation of progress and challenges in relation to the five priority areas and three cross-cutting issues: (i) promotion of good governance; (ii) Comprehensive Ceasefire Agreement between the Government and Palipehutu-FNL; (iii) security sector; (iv) justice, promotion of human rights and action to combat impunity; (v) the land issue and socio-economic recovery; (vi) mobilization and coordination of international assistance; (vii) the subregional dimension; and (viii) the gender dimension;

(b) Assessment of the mutual commitments as defined in the Strategic Framework;

(c) Conclusion and a number of recommendations to stakeholders focusing on the most critical requirements in the coming five months.

II. Analysis of trends and review of progress

A. Promotion of good governance

Political governance

6. The cabinet has remained largely unchanged, which suggests enhanced political partnership, with Government Decree No. 100/149 of 10 September 2008 delineating the roles and responsibilities of ministers and vice-ministers having substantially resolved conflicts over mandates.

7. The deadlock in Parliament was ended when 22 dissident Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) members of Parliament were replaced following a ruling by the Constitutional Court. Despite the controversies touched off by that ruling, the June and October 2008 sessions proceeded normally.

8. Ministry of Interior and Communal Development Ordinance No. 530/1022 of 6 October 2008 regulating meetings and activities of political parties and associations had been challenged as a violation of the freedom of assembly. However, the changes introduced thereto by Ordinance No. 530/1208 of the Ministry of the Interior of 18 November 2008, with the further relaxation of the rules governing the holding of public meetings, were welcomed by many stakeholders. Those amendments notwithstanding, some political parties and civil society organizations still face difficulties in trying to organize meetings.

9. The dialogue among national partners has continued, with representatives of political parties, civil society and other socio-political categories being involved in discussions on the challenges of and requirements for building lasting peace in Burundi,[1] despite some tension and disagreements. One of the recommendations from the dialogue, the establishment of a standing forum of political parties, is under implementation.

10. The Government has begun taking steps to establish an independent national electoral commission, which should be in place soon if there are no obstacles.

11. The above-mentioned progress notwithstanding, some actors feel that the political dialogue has not gone far enough and fear that the Government might still take important decisions without consulting all stakeholders. For instance, some politicians and members of society have expressed concern that the Government would set up a non-independent national electoral commission without consulting its political partners as to the membership of such commission, which might lead to a further deterioration of the socio-political climate in the country, particularly since there are now politically motivated incidents, and cases of the premises of some political parties being set ablaze.

12. Special attention also needs to be paid to the integration of women into institutions. Although women's representation in the highest institutions of Government has remained steady, the absence of women among the three top

[1] Four sessions were organised for political parties ; they were attended by 141 people, including 37 women (26.2 per cent). Two sessions were held for 111 representatives of media organizations and 29 other sessions for 961 civil society representatives, 45.7 per cent of whom were women.

positions of the executive branch and the failure to meet the agreed quota of 30 per cent in women's representation in public service shows that gender has not been fully taken into account in public policies and programmes.

Administrative governance

13. The implementation of the decentralization policy has continued with provincial consultations among elected officials at the national and local levels, the establishment of a Burundian association of local elected officials and the development of a national decentralization policy and a three-year plan. Several political and legislative initiatives are under way with a view to enhancing the capacity of decentralized administrative entities. These initiatives demonstrate the willingness of the Government and its partners to increase transparency and local participation and ensure that greater attention is paid to specific local interests in governance. However, particular attention needs to be paid to the instability at the level of commune administration, with numerous commune administration officials being dismissed.

14. There were more strikes in the second half of 2008, which brought into the open the disparate conditions obtaining in various sectors of the civil service. Several categories of civil servants have denounced the disparities between the salaries paid to members of the military, police and the judiciary as opposed to their unfavourable conditions of service.

15. Although there is legislation defining political and substantive positions, appointments are still a result of political patronage. Furthermore, it is critical that salaries should be realigned as part of a sound wage policy so as to minimize the impact of strikes on key sectors, such as the health sector, as occurred during the period under review.

Economic governance

16. Economic governance has improved. The public at large approved of the handling of the oil crisis, as reflected in the Government's decision to reduce fuel prices after the decline in prices on the world market, in the face of fierce opposition from oil companies.

17. Progress has also been made in the processing of cases of misappropriation of funds during the reporting period. The fact that 173 cases were referred to the Office of the Prosecutor as compared to 43 cases during the previous period is also a positive development. In addition, more cases are under review, the number having increased from 57 during the first half of the year to 180 during the period under review.

18. Concerns have been expressed in some quarters over the handling of some cases of misappropriation of funds, including the illegal sale of the Falcon 50 presidential jet and the Interpetrol oil company. It is worth noting that such cases are under judicial review.

19. Much remains to be done in the area of economic governance. There is political will but more action needs to be taken. In addition, some observers fear that the recent Public Finance Act (Act No. 1/35 of 4 December 2008), under which the State Inspector General reports directly to the President of the Republic, may

undermine the independent and apolitical nature of the work carried out by the Office of the State Inspector General.

20. With respect to good governance, the other issue of concern is the equitable allocation of national resources. The national budget for 2009 highlights the imbalances between the operating budgets of certain political bodies and those of the social ministries.

B. Ceasefire agreement between the Government and Palipehutu-FNL

21. During the reporting period and following the Ngozi Declaration of 29 August 2008, regular meetings were held between the President of the Republic, Pierre Nkurunziza, and the leader of Palipehutu-FNL, Agathon Rwasa. These meetings advanced the dialogue on outstanding issues and obstacles to the peace process.

22. There were no major ceasefire violations following the Ngozi Declaration. However, Palipehutu-FNL has often been accused of continuing to recruit soldiers, seizing supplies from civilians, committing acts of violence, and allowing its combatants to move about in uniform. Despite the efforts of all stakeholders, the children associated with the party had not been released at the time of writing. Furthermore, the National Defence Force (FDN) has often been accused of carrying out acts of aggression against Palipehutu-FNL combatants and of arresting party supporters.

23. The implementation of the commitments undertaken by the parties was considerably delayed owing to the three-month break in the work of the Joint Verification and Monitoring Mechanism (MCVS) from September to November 2008. However, work resumed on 16 December 2008, following the holding of a Summit of Heads of State and Government in Bujumbura on 4 December 2008 under the auspices of the Regional Initiative for Peace. This Summit has ushered in a new era in which significant progress has been made with respect to the logistical preparations for the assembly areas for combatants[2] and the resolution of contentious issues, including the renaming of Palipehutu-FNL, the disarmament, demobilization and reintegration process, the release of political prisoners, the separation of children associated with the party, and the integration of FNL into political institutions and into the security and defence forces.

24. At the time of writing, the Government had released 118 Palipehutu-FNL political prisoners and prisoners of war, who are now in the Rubira assembly area. On 9 January 2009, Palipehutu-FNL changed its name in accordance with the commitments made under the Declaration of the Summit of Heads of State and Government of 4 December 2008 and constitutional requirements prohibiting political party names with an ethnic connotation. The party is now called the "Forces nationales de libération-FNL".

25. The South African Facilitation and the Joint Mechanism continued to monitor the process with a view to implementing in January 2009 the other commitments, especially those relating to the integration of FNL into national institutions, its registration as a political party and the start of the disarmament, demobilization and

[2] The assembly areas built in Rugazi and Rubira are ready to receive over 6,000 combatants.

reintegration process. However, the assembly of combatants had only just begun at the time of writing.

C. Security sector

26. The security situation has improved, especially following the end of fighting between the Government and Palipehutu-FNL. International support for the security sector, including through the implementation of legal, institutional, strategic and operational frameworks for the fight against the proliferation of small arms and light weapons, has established a safe environment for communities. Support has also been provided for the strengthening of the operational capacities of the police force and the Office of the Inspectorate General of Police, the return of soldiers to their barracks, the professionalization of the National Intelligence Service, and the strengthening of the parliamentary monitoring commission.

27. Searches of homes for firearms owned by civilians continued in the capital, Bujumbura, and in other parts of the country, resulting in the collection and destruction of approximately 6,000 firearms by the National Defence Force and the Burundi National Police. Although the programme for the disarmament of the civilian population had not been officially launched, these searches have dissuaded civilians from owning or distributing firearms and have thus promoted security. Furthermore, approximately 200,000 m^2 of arable land was demined and 6,980 explosive devices were destroyed in 99 per cent of the suspected mined areas identified throughout the country.

28. The Government also established a National Security Council and security committees in all districts of the country with a view to involving all citizens in the efforts to promote security.

29. Training workshops were organized for the security and defence forces in a bid to make them more professional and efficient. These training activities show the commitment of the Government and partners to enhance the capacities of these forces to fight crime effectively and meet the needs of the people.[3] There has been a marked improvement in the accountability of the National Defence Force, while progress has yet to be made by the Burundi National Police.

30. Efforts to confine FDN soldiers to their barracks and ensure that they upheld standards of morality continued in the second half of 2008. It is estimated that 714 (71.4 per cent) of the 995 people identified as vulnerable received assistance that enabled them to leave their barracks in a dignified manner. As a result of the rehabilitation of barracks carried out with the assistance of the Peacebuilding Fund (PBF) and the Netherlands, 12,500 FDN soldiers who had been residing among the civilian population have returned to their barracks. Soldiers from 17 barracks were provided with the revised standard instruction programme for further learning.[4] The

[3] As part of this new initiative, training was provided to 378 officers, 2,174 junior officers and 6,699 non-commissioned officers. This training allows security officers to be of better service to their communities. In addition, 75 military posts were abolished; a further 180 posts will be abolished in the future.

[4] See Peacebuilding Fund projects on confining FDN soldiers to barracks and ensuring that they uphold standards of morality.

Government intends to build on these achievements through the establishment of a comprehensive security reform project.

31. Burundi has continued to contribute troops to peacekeeping operations in countries such as Somalia, the Sudan and Côte d'Ivoire. This is an efficient way of enhancing the professionalism of its security and defence forces. Security officers who participate in these peacekeeping operations acquire the technical expertise and experience that will allow them to provide better security for the country and its citizens upon their return. The fact that no Burundian troops have been implicated in cases of misconduct in the receiving countries further testifies to the positive impact of the training activities on Burundian troops.

32. The multi-country demobilization and reintegration programme ended on 31 December 2008. However, the World Bank has provided additional financial support of $10 million under the Country Assistance Strategy to fund the demobilization of FNL combatants, pending the establishment of a relevant Government management body. In view of the vast scope of the programme, many challenges remain and the continued international financial support will be required.

33. As part of their efforts in support of security sector reform, some European Commission member States, and Norway and Switzerland will continue to support the demobilization of other elements of the security and defence forces with a view to downsizing the police force by 15,000 and the army by 25,000, thus reducing the burden on the national budget.

34. The holding of various subregional meetings has also contributed to improved cooperation among the security forces of the Economic Community of Central African States (ECCAS) and the East African Community (EAC). The engagement of several partners, including the Executive Secretariat of the International Conference on the Great Lakes Region and the Tripartite Plus One Commission, has contributed to improved relations between the Democratic Republic of the Congo and the three other countries — Uganda, Rwanda and Burundi — and represented an important step towards implementation of concrete measures to enhance security in a subregion often characterized by the cross-border movements of criminal groups.

35. Despite all these efforts, there was persistent criminal activity during the reporting period: acts of armed banditry, killings to settle scores, robberies and rape continued at an alarming rate.[5] There was also a large number of crimes related to land disputes.

D. Justice, the promotion of human rights and action to combat impunity

36. The Government is committed to fighting impunity. To the satisfaction of Burundi's citizens and human rights activists, the Muyinga massacre case was brought to trial in October 2008. While welcoming progress already made, observers are calling for more efforts to identify the perpetrators of such crimes and prosecute the other cases of human rights abuses, including those committed at Kinama (Bujumbura Mairie) and Gatumba.

[5] Police statistics show that the monthly crime rate for January to June 2008 was 975, whereas for July to November 2008 it rose to 1,225.

37. The adoption of the draft revised penal code by the National Assembly in November 2008 was another significant step forward in the efforts to combat impunity for crimes committed in Burundi. The revised draft Penal Code was prepared with the support of national and international partners, and contains major improvements, including the abolition of the death penalty and the criminalization of torture, genocide, war crimes, crimes against humanity and gender-based violence. However, some of the provisions of the revised draft Penal Code have continued to cause controversy, especially the provisions on domestic violence, which becomes an offence only when the victim files a complaint, and on the criminalization of homosexuality. These provisions, which may be questionable under international law, will be discussed at length in the Senate. Following the adoption of the draft revised penal code, the Code of Penal Procedure needs to be revised as a matter of priority.

38. During the reporting period, the process of setting up mechanisms of transitional justice was considerably delayed. This report was prepared after the signing of a Peacebuilding Fund project entitled "Support for the national consultations on the setting up/establishment of mechanisms of transitional justice in Burundi" by the Government and the United Nations in June 2008 and the subsequent adoption of a timetable for six months of national consultations, scheduled to begin in March 2009.

39. Preparations for the national consultations are well under way, with information and awareness-raising campaigns being conducted for civil society, religious communities, the Bashingantahe institution, youth and media representatives, who will have a role to play throughout the process. These preparations must take into account potential risk factors, including political manipulation and interference in the election campaign for the 2010 elections.

40. In order to promote the satisfactory administration of justice, a large-scale programme was implemented to enforce existing court judgements and a number of field visits to courts and prosecution services were carried out to establish the grounds for pending cases (notification and enforcement of judgements and decisions). Between June and December 2008, 1,855 cases were completed (and closed) and 1,945 notifications were issued. In order to prepare for implementation of this programme, 550 magistrates and registrars throughout the country were provided with training on drafting techniques, methods of enforcing judgements and decisions, and the incorporation of gender equality into the reform of the judiciary. However, it is still necessary to update the rules concerning the enforcement of judgements and revise the Code of Penal Procedure.

41. In order to improve access to justice, and in accordance with the policy of the Ministry of Justice, 32 local courts have already been built as part of a joint community justice project between the Government, the United Nations Integrated Office in Burundi (BINUB) and the European Commission. Within the framework of the strengthening of community justice, 16 of the 17 planned local courts have been built and are being equipped by BINUB with the financial assistance of the Peacebuilding Fund and Luxembourg. The Government itself has built 17 courts. The European Commission has already started building 20 courts and rehabilitating 26 others.

42. Capacity-building activities for legal professionals have also continued: 1,076 magistrates were offered an ethics training course comprising 19 sessions at

provincial headquarters throughout the country. Furthermore, court management training was provided to 12 national training officers, who were then able to train 205 chief prosecutors, judges, registrars and clerks, and this has improved the technical skills and performance of members of the judiciary.

43. The juvenile justice training provided to 12 instructors of magistrates, 17 social workers and 16 judicial police officers in December 2008 helped establish a network of professionals capable of training colleagues and laying the foundations for the establishment of a juvenile justice system in Burundi.

44. The justice sector has also received strong support from partners, who are eager to build on the results of justice sector support projects funded by the Peacebuilding Fund in Burundi and to support the Government's new justice sector reform programme.

45. During the reporting period, the Government and its partners also made progress with respect to the establishment of an independent national human rights commission. The Government adopted the draft law on the organization and functioning of the commission. The next steps in the process are the adoption of this draft law by Parliament and the actual establishment of the commission. However, concerns have been raised by some stakeholders, including civil society organizations, regarding non-compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles), adopted by the General Assembly in its resolution 48/134 of 20 December 1993. Non-compliance with the Paris Principles would make it difficult for the commission to attract funding from donors, including the disbursement of funds from the Peacebuilding Fund.

46. During the reporting period, Burundi was considered at the third session of the universal periodic review mechanism at the United Nations Human Rights Council in Geneva, in the presence of civil society representatives working in the area of the promotion and protection of human rights. The Government accepted most of the Council's recommendations and undertook to consider the rest.

47. Several activities were implemented under the integrated strategy to combat sexual violence and abuse of women and children, including training workshops and awareness-raising campaigns for communities (mainly secondary schools) aimed at enhancing prevention efforts at the community level. The apparent decrease in the incidence of rape and sexual violence[6] during the reporting period seems to suggest that this strategy has been successful.

48. Despite the efforts of the Government and other stakeholders, human rights violations have continued. In the prison system, there are still instances of illegal or arbitrary detention, failure to separate minors from adults and keep records of persons in police custody or detention, and poor conditions of detention.

49. Human rights activists in Burundi and abroad have accused State bodies of violating the right to freedom and security of person. In particular, they denounce violations of freedom of expression, assembly and association as evidenced by the

[6] From July to December 2008, there were 335 reported cases of sexual violence (rape, attempted rape and sexual harassment), compared with 436 for the previous six-month period; 213 of these cases involved minors, compared with 266 for the previous six-month period (BINUB Human Rights and Justice Section).

imprisonment of some leaders of trade unions, associations, media outlets and political parties. Other stakeholders, mindful of the problems involved in establishing punishment and reparation mechanisms for past crimes, have expressed concerns over the effectiveness of the current law enforcement bodies.

50. In addition to existing forms of violence, the persecution of albinos by cross-border criminals in the eastern provinces of the country dominated the headlines during the last four months of 2008. Although awareness-raising campaigns have been successful, this new phenomenon remains a cause for concern.[7]

E. Land issue and economic recovery

51. Significant progress was made in finding sustainable solutions to land issues in the second half of 2008. An inter-ministerial technical committee, in which donors were allowed to participate, was established by a decree issued by the Office of the Second Vice-President to prepare a land policy paper, which was adopted on 15 September 2008 at a workshop jointly sponsored by the European Commission, the Swiss Agency for Development and Cooperation and the United States Agency for International Development (USAID). This key coordination forum for early recovery and development in the context of reintegration is chaired by the Minister for National Solidarity, Human Rights and Gender. The adopted policy paper comprises four strategic areas: (1) revision of the Land Tenure Code, (2) restructuring and modernization of land registration services, (3) decentralization of land management, and (4) development of long-term solutions to the problem of landless individuals and the small size of plots.

52. Similarly, this coordinated approach has facilitated revision of the 1986 Land Tenure Code, following national consultations in August 2008. The draft code was presented to the public on 27 November 2008 at a workshop presided over by the President, and introduces various innovations relating to the decentralization of land registration services, an enhanced role for local authorities with regard to security of tenure, clarification of the status of lands worked by farmers, and the establishment of a national commission on land tenure.

53. The question of access by women to land through inheritance is not dealt with in the proposed Land Tenure Code, but is covered in the bill on inheritance, matrimonial regimes and gifts, the drafting and adoption of which have been delayed as a result of widespread opposition and disputes.

54. In the context of the strategic quest for long-term solutions to the problem of landless individuals and the small size of lots, a question of particular importance in view of the repatriation of Burundians from the United Republic of Tanzania, on 4 August 2008 an integrated rural villages strategy in respect of landless returnees was adopted by the Ad Hoc Integrated Commission on Repatriation and Reintegration. This multi-sectoral, village-based strategy encourages the establishment of villages to house mixed populations on a voluntary basis as a contribution to the consolidation of peace and the creation of development centres in rural areas.

55. The integrated villages programme promotes access to land by women from vulnerable host populations and groups of returnees. Three pilot villages in

[7] Six albinos were killed, one was shot and approximately a hundred went into hiding.

Makamba and Rutana provinces have been established since November 2008. The European Commission and the Danish International Development Agency have indicated their interest and support for this approach.

56. With regard to land disputes, the funding provided by the Peacebuilding Fund for the National Commission on Land and Other Assets (CNTB) in 2007-2008 has allowed the Commission to strengthen its capacities and to record 10,461 land disputes, of which it has settled 3,389, or 32.4 per cent, compared with 6.5 per cent in the previous half year, through awareness-raising and a peaceful settlement procedure. In a valuable contribution to the consolidation of peace, the Commission ratified over 400 amicable settlements, compared with 302 in the previous half year. Civil society, in particular the Bashingantahe institution, has also contributed to the mediation of land disputes.

57. The gender issue was incorporated only late in its activities by the Commission, so that only a very small number of cases have been submitted by women. A bill under consideration in the National Assembly would enlarge the National Commission from 23 to 50 members, and increase its legal capacity to take binding decisions so as to end the clogging up of the judicial appeals system, even subsequent to the determination and acceptance of an amicable settlement.

58. There has also been progress in community rehabilitation initiatives, which have allowed vulnerable categories to improve their economic status, with the focus on integration and the strengthening of cohesion and peaceful coexistence at the community level within groups of young people and women. Thus, 32 community facilities have been renovated, with the participation of 3,047 young people, including 1,261 girls (41.4 per cent). This is an improvement over the previous half year, in which only two community facilities were renovated by 106 young people, with participation by girls estimated at 26.4 per cent. Many young people have also received microcredits: 3,575 this half year, compared with 248 previously. In addition, 1,253 vulnerable women have begun economic activity on the basis of direct assistance kits, compared with 993 the previous half year.[8] A change of outlook is apparent among women who have received credits, since they had been accustomed to humanitarian assistance. It should be noted that the international community is providing support for the Government of Burundi in several income-generating and wealth-producing economic sectors (infrastructure, rural development), which is having a positive long-term effect on the consolidation of peace. The World Bank, the European Commission and Belgium, in particular, are involved in these projects.

59. Also with regard to community rehabilitation, progress in reintegration programming and planning has meant that 13 provinces have operational integrated reintegration plans. These plans provide provincial authorities with coordination tools for action and advocacy vis-à-vis partners.

60. In the context of encouraging local entrepreneurship as a contribution to the consolidation of peace, dialogue has been established between entrepreneurs and local and international actors at sales exhibitions. In addition, 10 Burundian exhibitors have participated for the first time in the Jua Kali/Nguvu Kazi exhibition in Kigali. This participation by local entrepreneurs represented a good opportunity

[8] See Peacebuilding Fund projects for young people and women.

to promote local products and develop strategic links with entrepreneurs in the subregion.

III. Assessment of mutual commitments

A. Government

61. With regard to governance, the main points of the speech given by the President of the Republic in Makamba on 27 August 2008, the third anniversary of his inauguration, clearly referred to the commitments of the Government of Burundi under the Strategic Framework. The Government has made considerable efforts to improve the institutional framework for good governance by amending laws and establishing government inspection bodies; to combat the misappropriation of funds and corruption; and to create conditions conducive to grass-roots dialogue in order to ensure that major decisions take account of the people's wishes. Senior government officials have regularly made on-the-spot visits.

62. Given its concern to promote governance based on dialogue, on 17 and 18 September 2008, the Government of Burundi, under the auspices of the President of the Republic, held a government retreat in Gitega on the theme "Improving the reform process in Burundi". Particular attention was given to priority reforms relating to the economy, social equity and international anti-corruption standards (preventive measures). With regard to transparency, a comprehensive plan to communicate Government activities, as a means of highlighting achievements and informing the public about progress made and ongoing reforms, was also formulated at the retreat.

63. The Government has also focused on creating a conducive political environment for the 2010 elections. Frameworks for dialogue have been established. Civil society, political parties and parliamentarians, in particular, have achieved significant progress in that respect. The progress made with the Palipehutu-FNL movement is also partly attributable to the Government's efforts.

64. The Government has continued to meet its commitments regarding the integration of women into national bodies and programmes, although imbalances still exist, particularly at the most senior levels of national Government.

65. With regard to rebuilding a functional public service, efforts have been made to achieve greater decentralization, while a proposed amendment to the commune administration organization Act would devolve more power to local government. There is, however, still a long way to go before Burundians view the public service as being exclusively at their service.

66. The Government maintains a firm anti-corruption stance as one of its priorities, although specific actions demonstrating its effective commitment to combating corruption and misappropriation of funds have to date been limited. The budget initially allocated to the special Anti-Corruption Brigade for the 2008 budget year could not be fully implemented, owing to a lack of funds; that has prevented the establishment of regional branches of the Brigade and in fact also hindered the activities of the anti-corruption bodies.

67. The Government has made significant strides in establishing security bodies over the last six months, including the establishment of the National Security Council. It has also reviewed the legal disarmament framework, comprising the National Commission for Civilian Disarmament and on Small Arms Proliferation.[9] Awareness-raising campaigns have been conducted throughout the country to encourage the voluntary surrender of weapons. The defence and security forces and the territorial administration have organized joint activities with a view to enhancing cooperation between security partners.

68. Concerning the Ceasefire Agreement with Palipehutu-FNL, the Government has made considerable efforts to obtain a resumption of the work of the Joint Verification and Monitoring Mechanism and achieve progress in the talks between the Government and Palipehutu-FNL on contentious issues. Such progress contributed to the success of the Summit of Heads of State on 4 December 2008 and the meeting in January 2009 of the Group of Special Envoys for Burundi, which culminated in the Bujumbura Declaration of 17 January 2009.

69. In the area of justice, human rights and action to combat impunity, the Government has stood by its intention to establish an enabling legislative framework for the promotion of human rights by adopting a new draft Penal Code and the independent national human rights commission organization act, spelling out the mandate, composition and functioning of that body.

70. The Ministry of Justice has responded to the need to ensure the coordination and efficiency of institutional and operational support in the Burundian justice sector by establishing a unit responsible for that function. The resumption of the process of establishing transitional justice mechanisms is also to be welcomed.

71. Efforts made in relation to the land issue and economic recovery include the adoption of a national land tenure policy paper and a Land Tenure Code, as well as the implementation of mechanisms to coordinate land dispute resolution. The Government has also adopted the Integrated Rural Villages strategy to deal with the issue of returnees and other landless citizens. Advocacy to mobilize the funds needed for community recovery has been ongoing.

B. Stakeholders

Civil society, religious communities and the Bashingantahe institution

72. Two workshops were organized, in October and December 2008 respectively, to bring together representatives of civil society in the various technical follow-up committees for Peacebuilding Fund projects and in the Strategic Framework monitoring/evaluation groups (monitoring and evaluation group and thematic working groups). The purpose of the first workshop was to analyze the effectiveness of civil society representation in those committees and groups, the systems for the operation of the technical follow-up committees, and the strategies for communication and coordination among civil society organizations. A structure was proposed and funding for its implementation is now being sought. The second

[9] Report on the first year of implementation of the Poverty Reduction Strategy Paper, November 2008.

workshop was intended to prepare members of civil society to take part in drafting the present report.

73. While some actions by religious communities have been welcomed as conveying cultural values that promote reconciliation, an overall assessment of the performance of civil society actors suggests that they are not living up to their commitments. A real partnership has yet to be established between the authorities and civil society organizations.

74. Civil society organizations have established a working group on transitional justice mechanisms and have organized information and awareness-raising workshops at the provincial and national levels. In that connection, provincial focal points for civil society organizations were established, in all provinces, on 5 December 2008, to work alongside representatives of the Government and the United Nations in the national consultations scheduled to begin in March 2009.

75. Civil society, religious communities and the Bashingantahe institution have participated actively in the frameworks for dialogue and have continued to advocate for greater attention to the challenges of peacebuilding in Burundi. Their opinions have always been very useful in taking forward the legislative reforms under way (revised Penal Code, establishment of the independent national human rights commission and the independent national electoral commission, etc.) and they have reported human rights violations, corruption and embezzlement.

76. Civil society, in particular the Bashingantahe institution, has continued to mediate land disputes. Civil society organizations have also taken part in the 16 Days of Activism Campaign to end violence against women and children.

77. However, the efforts of civil society have been constrained by a lack of financial resources.

Women's organizations

78. By disseminating information on the level of implementation of the Strategic Framework, women's organizations have helped the population in general, and women in particular, to take ownership of the peacebuilding process.

79. Women's organizations have continued to engage in strong advocacy with senior Government officials and donors for the establishment of a national plan to implement Security Council resolution 1325 (2000). They have also remained concerned about the issue of gender-based violence. They have helped to bring the problem to the attention of the population at large, decision-makers and the international community and, through the women police officers who are members of the coordination framework for women's peacebuilding organizations, have contributed to enhancing the capacity of the National Police to combat gender-based violence.

80. Other activities of women's organizations have mainly been focused on legislative reform to promote women's rights and the involvement of women in transitional justice mechanisms.

81. Women's organizations have played an active role in campaigns to raise awareness of rape and sexual violence and have participated actively in the frameworks for dialogue established as part of the peacebuilding process in Burundi.

82. On 3 December 2008, women's organizations in Burundi issued a statement on the conflict in the Democratic Republic of the Congo, which was seen as liable to spread to the whole region. They called, inter alia, on Heads of State to fulfil their commitments under the Pact on Security, Stability and Development in the Great Lakes Region.

Political parties

83. Although it was not easy at first, the participation of political parties in the frameworks for dialogue, through various proposals as well as through the statement signed in Gitega on 22 August 2008, has been deemed positive. It has, however, been difficult to evaluate their action in relation to the commitment to integrate the priorities of the Strategic Framework into their missions and programmes.

84. The political parties' ongoing commitment to contribute to peacebuilding through debate should also be welcomed. Their pressure was particularly effective during the deadlock in negotiations between the Government and Palipehutu-FNL. They have also fostered debate on human rights violations, the process of establishing the independent national electoral commission and legislation on meetings held by political parties and civil society organizations.

C. Peacebuilding Commission and international partners

Peacebuilding Commission

85. The Peacebuilding Commission has maintained contact with the Government of Burundi and its domestic partners. Through its members on the ground and the Chairperson's visits to Bujumbura, the Commission has been able to draw greater attention to the challenges of peacebuilding and facilitate joint actions to further the peace process in Burundi. During the reporting period; Burundi continued to receive assistance from the Commission and other international partners. Various partners continued to provide support for many areas of the Strategic Framework for Peacebuilding (security, justice, human rights, land issues and economic recovery).

86. Members of the Peacebuilding Commission have provided bilateral assistance while multilateral partners have continued to provide support for the implementation of the mutual commitments under the Strategic Framework and for the Government's priorities set out in the Poverty Reduction Strategy Paper Priority Action Programme in order to ensure that basic public services are provided and that Burundi's economic needs are met. Since the establishment of the Peacebuilding Commission and the organization of the 2007 round-table donors' conference, some non-traditional donors such as China, India and Switzerland have forged partnerships with Burundi.

87. Since its first review meeting, the Commission and international and regional partners have been concentrating their efforts on achieving outright peace. To ensure appropriate assistance and support, the Commission convened a meeting on 12 December 2008 with the South African Facilitator on developments in the peace process and in the disarmament, demobilization and reintegration process. At the end of that meeting, participants called on the international community to provide, as a matter of urgency, support for the preparatory work in connection with the disarmament, demobilization and reintegration process; urged Palipehutu-FNL to

release all children associated with it; and called on Palipehutu-FNL to transform itself into a political party. They also undertook to review the longer-term plan for the disarmament, demobilization and reintegration process once it was finalized by the Government of Burundi. The Chairperson's participation in the meeting of the Group of Special Envoys for Burundi in Bujumbura on 16-17 January 2009 led to fruitful discussions between the Commission and key national and international stakeholders.

United Nations system

88. During the reporting period, the United Nations continued the integrated approach involving the joint programmes and the catalytic projects financed by the Peacebuilding Fund and the bilateral and multilateral donors in the areas outlined in the Strategic Framework for Peacebuilding.

89. The United Nations system also continued to support the implementation of the Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL. Its contribution to the process has been its ability to rapidly mobilize financial resources at critical junctures through the Peacebuilding Fund and make them immediately to Government agencies in Bujumbura pending funding from partners.

90. The joint definition by the United Nations system and the Government of Burundi of strategic priorities for 2010-2014 covering both development and peacebuilding issues confirms the concept of integration which the United Nations has put in place in Burundi to support the Government's peacebuilding efforts.

D. International partners

91. Burundi continued to receive support from international partners during the reporting period. A number of partners continued to provide support for several areas of the Strategic Framework for Peacebuilding.

92. The bilateral and multilateral partners have continued to support a number of activities that contribute to the implementation of the Strategic Framework for Peacebuilding.

93. Coordinated support has been provided by the European Commission and several of its member States, as well as USAID and the World Bank in the areas of security (army, police); good governance; justice, including transitional justice; humanitarian assistance; the reintegration of vulnerable populations; the disarmament, demobilization and reintegration process; subregional reintegration; land reform policy; community rehabilitation; and human rights.

94. During the reporting period, China, Switzerland, Norway, the Russian Federation and Japan provided support in some of the above-mentioned areas.

95. The European Union, through the Political Directorate and with the support of Switzerland and the United States of America, has helped to achieve progress in the political dialogue and the implementation of the Comprehensive Ceasefire Agreement between the Government and FNL.

96. The European Commission financed the activities of several United Nations agencies, carried out to assist the Government with the repatriation of Burundians from the United Republic of Tanzania.

E. Subregion

97. The subregion was actively involved in the efforts to break the deadlock in negotiations between the Government and Palipehutu-FNL. The direct involvement of the subregion's Heads of State paved the way for the adoption of positions conducive to moving the peace process forward, including the requirements of the Declaration of the Summit of Heads of State and Government of the Great Lakes Region on the Burundi Peace Process of 4 December 2008.

98. Countries of the subregion have continued to make crucial contributions to the implementation of the Comprehensive Ceasefire Agreement. South Africa, for example, has maintained its troop contingent serving with the African Union force. The leaders of Uganda and the United Republic of Tanzania have remained committed to the Regional Peace Initiative on Burundi. South Africa also expanded its bilateral cooperation with Burundi in the fields of defence, health and technology.

99. The International Conference on the Great Lakes Region provided a boost to the efforts to repatriate Burundian refugees. In that regard, by extending the initial deadline beyond 31 December 2008, for all Burundian refugees to leave its territory the United Republic of Tanzania made it easier to manage the repatriation process. Many of the international partners have called for a platform for dialogue on how to coordinate the Ministry of Solidarity's efforts to repatriate the refugees.

100. The International Conference on the Great Lakes Region has provided technical assistance to the Government of Burundi in the areas of peacebuilding, good governance, the promotion of democracy and combating gender-based violence. The Executive Secretariat of the Conference has also organized a series of meetings, in an effort to persuade Palipehutu-FNL to return to the peace process. In addition to its economic integration programme, which includes combating poverty and promoting economic growth, the East African Community has established a forum for cooperation in the areas of good governance, human rights and peace and security, with a view to consolidating peace in the Great Lakes region.

IV. Coordination of assistance from partners

101. Coordination between the Government and the technical and financial partners improved during the reporting period. The work of the Partners Coordination Group has continued at the three levels: the Political Forum, the Strategic Forum and the sectoral and technical clusters.

102. The 13 sectoral groups of the Poverty Reduction Strategy Paper have been established and the technical work has begun, although the work of the individual groups is not proceeding at the same pace. The technical groups of the Strategic Framework for Peacebuilding met in September and October to review the Monitoring and Tracking Mechanism but the outcome of that exercise was not endorsed by all the stakeholders. Indeed, that exercise should be more pragmatic in

its approach and less demanding with regard to the number of indicators and how they are calculated, so that even stakeholders who are not specialists can use them. The technical groups met again in December and January to draft this report; however, attendance was not as high as it could have been because of the timing. It should also be noted that unless national participants are given incentives or, at the very least, reimbursed for their travel expenses, maximum attendance at meetings cannot be expected. Discussions are under way to explore ways of facilitating periodic and regular exchanges of views so as to ensure continuing political dialogue on the implementation of the Strategic Framework for Peacebuilding and the Poverty Reduction Strategy Paper.

103. The view was expressed that, in the interest of efficiency and transparency, and in order to comply with the Paris Principles, the functioning of the Partners Coordination Group should be reviewed. At the meeting of the Third High-Level Forum on Aid Effectiveness in Accra, the Burundian delegation proposed a plan to harmonize the performance indicators of the Strategic Framework and the Poverty Reduction Strategy Paper so as to avoid a duplication of efforts in implementing the Government's development and peacebuilding policy.

V. Conclusions and recommendations

104. This report shows that, as a result of the courageous and patient efforts of all stakeholders, considerable progress has been made in the peacebuilding process in Burundi. Notable progress has been achieved as a result of the unflagging support of the Government of Burundi, civil society, the United Nations and other international partners.

105. Despite such progress, all stakeholders need to continue to pay attention to a number of remaining challenges which are becoming increasingly complex owing to developments in the social and political situation. While the following recommendations are not exhaustive, they provide a basis for consolidating the achievements to date and fostering further progress in the peacebuilding process.

Promotion of good governance

106. *Political dialogue*. In order to forestall any political tensions in the lead-up to the elections, the Government of Burundi must engage in a permanent dialogue with all national partners. Such dialogue should permit greater interaction among development partners within the planning, development assistance coordination and monitoring and peacebuilding mechanisms. The Government must also ensure that the Political Forum meets regularly to consider the political aspects of tracking the Strategic Framework for Peacebuilding and the Poverty Reduction Strategy Paper and that the dialogue informs the work of the sectors and sub-sectors.

107. The Peacebuilding Commission could provide crucial support in facilitating the dissemination of information and dialogue among partners at Headquarters and in the field, thereby maximizing their role in the peacebuilding process. All international partners are urged to promote a peaceful political dialogue among the national stakeholders and to continue their constructive engagement with the Government of Burundi. The stakeholders must strengthen efforts to establish a forum for permanent dialogue among the national partners, with a view to sustaining

the positive commitments that have resulted from the frameworks for dialogue of the Peacebuilding Fund.

Legal framework for inheritance

108. The Government must expedite the preparation, consideration and adoption by the National Assembly of a bill on inheritance, matrimonial regimes and gifts containing provisions relating to women's access to land. Civil society and women's associations must also be involved in this process.

Action to combat corruption

109. The Government must also make a commitment to step up its efforts to combat corruption, first and foremost by expediting the settlement of cases currently before the courts, such as those relating to the Interpetrol oil company and to the sale of the Falcon 50 presidential jet. Stakeholders are also urged to accord priority attention to the issue of misappropriation of funds. Development partners must continue to support the State's capacity-building efforts in public administration.

Independent national electoral commission and legal framework for elections

110. The Government must take action to ensure national ownership of the independent national electoral commission by involving national stakeholders in the consultations relating to its establishment.

111. Furthermore, community stakeholders must mobilize support for peaceful and active participation in consultations on the electoral process and constantly report any irregularities. The process of inclusion in and consultation on the independent national electoral commission must begin in the first quarter of 2009, in keeping with the recommendations of the most recent follow-up report on the Strategic Framework for Peacebuilding in Burundi of 9 July 2008. It is the responsibility of the Government to create an environment conducive to the full exercise of political rights and civil liberties, in particular the freedom of opinion and expression. That said, the Government, political parties and international partners must work together to identify such assistance as may be necessary to ensure that the requirements for the holding of elections described above are met.

112. The Peacebuilding Commission can also play an important role in monitoring and supporting Burundi's efforts to create an environment conducive to democratic, free and transparent elections in 2010. Civil society requires sustained support in this regard while the Commission can facilitate dialogue with the Government and its partners.

Neutrality of the public service

113. The Government of Burundi must strive to ensure that political interference, including political patronage, does not adversely affect the proper functioning of the public service.

Ceasefire Agreement with FNL

114. The Government of Burundi and FNL must work together to ensure the timely implementation of the commitments under both the Declaration of the Summit of Heads of State and Government of the Great Lakes Region, held on 4 December

2008, and the Bujumbura Declaration, which was issued following the meeting of the Group of Special Envoys for Burundi on 17 January 2009.

115. The Government, with the participation of development partners, primarily the World Bank, must finalize and implement the disarmament, demobilization and reintegration programme as soon as possible.

116. International partners are urged to give technical and financial support to national partners during the disarmament, demobilization and reintegration process, according to the modalities agreed with the Government. The international community's support must be in keeping with the spirit of the Declaration of the Summit of Heads of State and Government of the Great Lakes Region, the Bujumbura Declaration issued following the meeting of the Group of Special Envoys and the Peacebuilding Commission's recommendations of 12 December 2008, and with the common principles and mutual engagements of the Government and international community set out therein. To that end, the Political Directorate will keep the international community informed of progress made in relation to the peace process and will report on any obstacles to the full implementation of the Comprehensive Ceasefire Agreement.

117. The Government, with the participation of development partners, primarily the World Bank, must draw up a disarmament, demobilization and reintegration strategy as soon as possible.

118. The Regional Peace Initiative and the South African Facilitation are encouraged to continue to play an active role in the Burundi peace process with a view to ensuring its timely conclusion. Both actors are invited to monitor developments in the peace process and to provide stakeholders with information on areas where the assistance of national and international partners may be required to bring the process to a successful conclusion.

119. Lastly, the Peacebuilding Commission can continue to bring added value to the peace process by supporting the mobilization of the resources needed to fund the full implementation of the Comprehensive Ceasefire Agreement, on the basis of a sharing of responsibilities and mutual commitments with the Government of Burundi. It must also monitor the peace process closely so as to be able to provide information and advice to the Government of Burundi and international partners.

Security sector

120. The Government of Burundi must continue its security sector reform efforts, in particular by honouring its commitment to professionalize the security forces and respecting the agreements establishing a ceiling for the armed forces (25,000) and the national police (15,000). In order to establish an environment that is conducive to the disarmament, demobilization and reintegration process, the Government of Burundi must also scale up its activities aimed at disarming the civilian population, including its awareness-raising/advocacy activities, while at the same time redoubling its efforts to strengthen the rule of law and combat all forms of crime.

121. International partners are called upon to provide the technical and financial support needed to implement Burundi's priorities as regards security sector reform, including the yet to be drawn up disarmament, demobilization and reintegration programme. The Peacebuilding Commission can continue to bring added value to

the Burundi peace process by supporting the mobilization of the resources needed to conduct security sector reform, on the basis of a sharing of responsibilities and mutual commitments with the Government of Burundi.

Justice, human rights and action to combat impunity

Transitional justice

122. The Government of Burundi must make every effort to ensure that national consultations on the establishment of transitional justice mechanisms go ahead as envisaged, without hindrances or obstacles. To ensure that the Government honours the commitments it has made (see section of the report on commitments), stakeholders must mobilize support for active involvement by the Government in consultations on the establishment of transitional justice mechanisms.

Justice sector reform

123. The Government must continue to adopt measures aimed at improving the justice system. Furthermore, women's rights, in particular their inheritance rights, should continue to be accorded priority in efforts to improve the justice system and the protection of human rights.

Civil and political rights

124. The Government must play a leading role in efforts to promote respect for the various principles and rules governing the free exercise of political rights and civil liberties, while at the same time combating political intimidation.

Action to combat impunity

125. The Government must keep action to combat impunity high on its agenda, in particular by ensuring that symbolic anti-impunity cases and investigations, such as the Gatumba and Kinama cases, are concluded.

Violence against women and children

126. In addition to today's climate of community violence, violence against women and children is a matter of serious concern. The Government, with the support of development partners and civil society, must step up its efforts to curb such violence, in particular by prosecuting and punishing the perpetrators thereof.

Independent national commission on human rights

127. The Government should ensure that the independent national commission on human rights is established in a timely manner and that it complies with international norms and respects the Paris Principles.

Penal Code and Code of Penal Procedure

128. The Senate is urged to adopt the new Penal Code in a timely fashion while the Parliament is urged to expedite the revision of the Code of Penal Procedure. In that connection, international partners are encouraged to provide the technical and

financial support needed to implement Burundi's priorities as regards human rights, judicial reform and action to combat impunity.

129. The Peacebuilding Commission is well placed to monitor and support national efforts to promote human rights and combat impunity. It should continue to promote the establishment of transitional justice mechanisms and support the truth and reconciliation commission, when it is established.

The land issue and socio-economic recovery

Land tenure

130. In order to comprehensively address the issue of land disputes, the Government must both build the capacity of the National Commission on Land and Other Assets to settle disputes that have already been recorded and implement the national land policy. Such measures should make a solid contribution to the sustainable reintegration of various segments of Burundian society, including returnees and other vulnerable groups.

Reintegration of refugees and returnees

131. All partners, including the Government, United Nations agencies and partners in the subregion, must continue to work in a concerted manner towards the reintegration of returnees and other vulnerable groups.

Socio-economic recovery

132. In view of the fragile pre-election environment, the Government of Burundi should finalize, in a timely manner, the national strategy for the long-term socio-economic reintegration of former FNL combatants, other ex-combatants and demobilized former combatants. It must also mobilize the resources needed to implement that strategy. The Government is encouraged to promote Burundi's socio-economic development, including by implementing a modern agricultural policy. The foregoing should ensure the long-term reintegration of various segments of Burundian society, including returnees and other vulnerable groups. International partners are encouraged to provide the technical and financial support needed to implement Burundi's land tenure and socio-economic integration priorities.

133. In the wider regional context, the Government should take the steps needed to ensure the proper integration of socio-economic agents into the East African Community and provide appropriate support to the private sector, especially during this transitional period. Subregional leaders should continue to support Burundi's integration into the East African Community until July 2009, when its Customs Union enters into force.

134. The Peacebuilding Commission should continue to play its key role of adding value to the efforts to resolve the crisis, promote socio-economic recovery and achieve sustainable development. The Commission has been playing a crucial role in mobilizing resources and facilitating the provision of technical and financial assistance in that regard.

Mobilization and coordination of international assistance

135. Bilateral and multilateral partners should continue to support the implementation of the Government priorities set out in the Priority Action Programme for the implementation of the Poverty Reduction Strategy Paper. In addition, the Government, in cooperation with its international partners, should support efforts to consolidate the results of Peacebuilding Fund projects, with a view to identifying the best ways of building peace. The Peacebuilding Commission will continue to facilitate dialogue with the Government and all national and international stakeholders. To that end, it will utilize its capacity for providing advice and guidance on strategic approaches to peacebuilding and draw on the best practices and experiences of other countries. It will also continue to work to ensure that the attention of States members of the Burundi configuration remains focused on mobilizing the additional resources that Burundi needs to implement the Strategic Framework for Peacebuilding in Burundi and its Poverty Reduction Strategy Paper.

Subregional dimension

136. States signatories to the Pact on Security, Stability and Development in the Great Lakes Region are urged to ratify the Pact and implement the commitments contained therein. The Executive Secretariat of the International Conference on the Great Lakes Region will continue to support the peacebuilding efforts of the Government of Burundi and the Governments of other countries in the region. The international community, particularly those partners supporting the Government in this respect, should continue to work with the Government in implementing regional integration projects, including the Customs Union among the States members of the East African Community, which is scheduled to enter into force on 1 July 2009. This appeal also applies to the Economic Community of the Great Lakes Countries, which strengthens ties among Burundi, Rwanda and the Democratic Republic of the Congo.

Annex I

Reference documents

Basic documents

- Strategic Framework for Peacebuilding in Burundi (PBC/1/BDI/4)
- Monitoring and Tracking Mechanism of the Strategic Framework for Peacebuilding in Burundi (PBC/2/BDI/4)
- Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi (PBC/2/BDI/10)
- Recommendations of the biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi
- Fourth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2008/745)
- Outline of the situation and strategic reference points in Burundi, May-December 2008
- Report on the first year of implementation of the Foverty Reduction Strategy Paper
- Rapid assessment and strategic analysis of the United Nations Integrated Peacebuilding Support Strategy for 2007-2008 (internal working paper)
- Report on the Peacebuilding Commission mission to Burundi from 21 to 24 October 2008
- Plan of action for implementation (November 2008-June 2009) Peacebuilding Support Office
- Consolidated reports on Peacebuilding Fund projects for July, August and September 2008
- Draft matrix of revised indicators
- Consolidated list of the members of the working groups updated in November 2008 (see annex IV)
- List of chairpersons and working group rapporteurs and drafting committee members — first report
- Report: American Friends Service Committee (AFSC) Burundi Strategic Retreat, "Envisioning a peacebuilding programme in Burundi 2009-2011", 20-23 October 2008
- Sahwanya-FRODEBU party memorandum on the prevailing socio-political situation in Burundi in November 2008

Promotion of good governance

- "Standard progress report", July, August, September — institutional development unit — Peace and Governance Section, BINUB
- "Standard progress report", 2008 — Decentralization and Local Governance Unit — Peace and Governance Section, BINUB

- Presentation on the main results and lessons learned for the 2008 cycle — Integrated Peace and Governance Section, BINUB
- Collection of texts on decentralization in Burundi, Ministry of Interior and Communal Development, August 2008
- Consolidated report on dialogue sessions of the political parties, "framework for dialogue" project, October 2008
- Consolidated report on dialogue sessions of the parliamentarians, "framework for dialogue" project, October 2008
- Consolidated report on dialogue sessions with the media, "framework for dialogue" project, October 2008
- Consolidated report on dialogue sessions with civil society, "framework for dialogue" project, October 2008
- Table summarizing progress in the "Support for the strengthening of mechanisms to combat corruption and misappropriation of funds throughout the country" project
- Declaration by the political parties participating in the second phase of the framework for dialogue between the political parties of Burundi from 8 to 12 December 2008
- Memorandum on the establishment of mechanisms for the preparation and management of the 2010 elections — Union pour le progrès national (UPRONA), 9 October 2008
- UPRONA press release on the proposal put forward by members of the independant national electoral commission (CENI) — 8 December 2008

Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL

- Magaliesberg Communiqué dated 10 June 2008
- Ngozi Declaration of 29 August 2008
- Decree No. 100/134 of 18 August 2008 providing legal status for the dissidents of the Palipehutu-FNL movement
- Decree No. 100/136 of 19 August 2008 establishing the technical commission for the verification of the status of combatants and dissidents of the Palipehutu-FNL movement of Randa and Burumata
- Summary record of the meeting of the Thematic Cluster on Agreements between the Government and Palipehutu-FNL held on Friday, 12 September 2008
- Declaration of the Summit of Heads of State and Government of the Great Lakes Region on the Burundi Peace process, adopted on 4 December 2008

Security sector

- BINUB "Media monitoring", 6 December 2008, midday

Justice, the promotion of human rights and action to combat impunity

- Reports on the human rights situation in Burundi — June, July, August, September, October and November 2008 — Office of the United Nations High Commissioner for Human Rights (OHCHR)
- National Report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council resolution 5/1, Burundi — A/HRC/WG.6/3/BDI/1
- Compilation prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (B) of the annex to Human Rights Council resolution 5/1, Burundi — A/HRC/WG.6/3/BDI/2
- Report of the independent expert on the situation of human rights in Burundi — A/HRC/9/14
- "Third session meeting highlights" — 2 December 2008 — universal periodic review — Human Rights Council

Land issue and socio-economic recovery

- Land policy paper, Ministry of the Environment, Land Use and Public Works — 15 September 2008
- Draft Land Tenure Code — 27 November 2008 version
- Note on the proposed expansion of the support for the settlement of land disputes, National Commission on Land and Other Assets
- Note for discussion — Thematic meeting on land disputes in Burundi — 27 May 2008
- Chairman's Summary — Thematic meeting on land issues in Burundi — 27 May 2008
- Background paper on land issues in Burundi — 19 October 2008
- Briefing paper on land issues in Burundi — 1 December 2008

Mobilization and coordination of international assistance

- Kinshasa Declaration on aid and development effectiveness in situations of fragility and conflict
- Accra Agenda for Action, 2-4 September 2008
- National Aid Coordination Committee (CNCA) information bulletin — Issue 1, 10 October 2008

Subregional dimension

- Declaration by Burundian women's organizations on the conflict situation in the Democratic Republic of the Congo at the Summit of Heads of State on the Regional Peace Initiative for Burundi
- Joint communiqué of the 13th meeting of the Tripartite Commission concerning the situation of Burundian refugees in the United Republic of Tanzania — 5 December 2008

- Burundi fact sheet, UNHCR, 31 October 2008

Gender dimension

- Implementation of Security Council resolution 1325 (2000)
- Draft report, Security Council resolution 1820 (2008) — combating sexual violence
- Quarterly report of the Gender Unit (June-September 2008), BINUB
- Integration of the gender perspective into Peacebuilding Fund projects

Annex II

List of drafting committee members

Chairman	Adolphe Nahayo
Members	Ode Ndayisaba
	Christian Ntabindi
	Sue Hogwood
	Yves Manville
	Pascaline Barankeba
	Moudjib Djinadou
	Moses Chasieh Nteh
	Hanitra Andriaveloson
Resource person	René Claude Niyonkuru

Annex III

List of chairpersons and group rapporteurs

Groups	*Chairpersons*	*Rapporteurs*
Monitoring and evaluation	Antoine Baza	Marc Pellerin
	Bintou Keita	Hanitra Andriaveloson
		Chasieh Nteh Moses
Promotion of good governance	Frédéric Bamvuginyumvira	Odette Ntiharirizwa
		Moudjib Djinadou
Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL	Brigadier-General Evariste Ndayishimiye	Edmond Bayisabe
Security sector	Major-General Célestin Ndayisaba	Benoît Birutegusa
		Mediatrice Ntakarutimana
Justice, promotion of human rights and action to combat impunity	Jean Makenga	Germain Ntawuyamara
Land issues and socio-economic recovery	Aissata De	Fadela Novak

Annex IV

Strategic Framework for Peacebuilding in Burundi: list of working group members

Sectors and entities represented	*Names of representatives*
Monitoring and evaluation group	
Government	Antoine Baza Adolphe Nahayo Pamphile Muderega Gérard Muringa Léonidas Habonimana Léon Nimbona Thomas Lassourd Benoit Harerimana
Women's associations	Pascaline Barankeba
Private sector	Ndayishimiye Consolata
Forum des organisations de la société civile (Civil Society Organizations Forum)	Raymond Kamenyero
Association burundaise des journalistes (Burundian Journalists' Association)	Moise Gahungu
Catholic Church	Evariste Ngoyagoye Jean-Louis Nahimana
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Tite Ningejeje
Communauté islamique du Burundi (Burundi Islamic Community (COMIBU))	Sheikh Salum Issa Bagoribarira
Public sector (Bashingantahe institution)	Balthazar Habonimana
Observatory for the Fight against Corruption and Misappropriation of Funds (OLUCOME)	Dismas Bakevyumusaya Ernest Manirumwa
Mouvement pour la réhabilitation du citoyen (MRC) — political party	Laurent Nzeyimana
Conseil national pour la défense de la démocratie (CNDD) — political party	William Munyembabazi
Union pour le progrès national (UPRONA) — political party	Rubuka Aloys Catherine Maboriri
Front pour la démocratie au Burundi (FRODEBU) — political party	Nahayo Darius

Sectors and entities represented	*Names of representatives*
Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD/FDD) — political party	Gélase Daniel Ndabirabe
European Union	Yves Manville Samia Mahgoub
United Nations	Bintou Keita Boubacar Kane Marie Goreth Nizigama Marie-Pascaline Menono
Working group on the promotion of good governance	
Government	Papien Ruhotora Émile Nimpaye (National Committee for Aid Coordination) Marc Rwabahungu Sylvère Bavugamenshi
Women's associations	Vestine Mbundagu
Association burundaise des journalistes (Burundian Journalists' Association)	Agnès Ndayikeza
Civil society organizations — Syndicat libre des enseignants du Burundi (Free trade union of Burundian teachers (SLEB))	Chantal Nahishubije
International non-governmental organization (ActionAid)	Anne Street
Catholic Church	Consolata Baranyizigiye
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Félix Nzeyimana
COMIBU	Abdul Nzeyimana
Public sector (Bashingantahe institution)	Odette Ntiharirizwa
OLUCOME	Dismas Bakevyumusaya
MRC — political party	Juvenal Ngorwanubusa
FRODEBU — political party	Frédéric Bamvuginyumvira
UPRONA — political party	Nzeyimana Spéciose
CNDD — political party	Habarugira Guillaume

Sectors and entities represented	*Names of representatives*
CNDD-FDD — political party	Gervais Ngirigwa
European Union	Samia Mahgoub
United Nations	Félix Ye Amadou Ousmane Moudjib Djinadou
World Bank	Mercy Tembon
American Friends Service Committee	Jacob Enoh Eben
Working group on the Comprehensive Ceasefire Agreement between the Government and PALIPEHUTU-FNL	
Government	Évariste Ndayishimiye
Catholic Church	Isidore Hakizimana
Women's associations	Perpétue Kanyange
Association burundaise des journalistes (Burundian Journalists' Association)	Richard Giramahoro
CNDD — political party	Ndikumana Nephtali
CNDD-FDD — political party	Révérien Ndikuriyo
FRODEBU — political party	Domitien Bacamurwanko
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Edmond Bayisabe
COMIBU	Bangaryabagabo Amédée Ahmad
European Union	Yves Manville
United Nations	Mbaye Faye Arthur Boutellis Jean-Charles Dei
Embassy of South Africa	Chris Botha
Public sector (Bashingantahe institution)	Cassien Simbare
Embassy of Nigeria	Patrick O. Obi
Embassy of Kenya	Julius Bargorett
Working group on the security sector	
Government	Célestin Ndayisaba Fabien Ndayishimiye

Sectors and entities represented	*Names of representatives*
Catholic Church	Abbé Audace Nzophabarushe
Association burundaise des journalistes (Burundian Journalists' Association)	Jean Paul Ndayizeye
Civil society	Emmanuel Nshimirimana
Women's associations	Médiatrice Ntakarutimana
Civil society organizations — Centre d'alerte et de prévention des conflits (Centre for Conflict Warning and Prevention (CENAP))	Benoît Birutegusa
International Committee of the Red Cross (ICRC)	Gilbert Niyonkuru Marianne Gasser Claire Kaplun
FRODEBU — political party	Nahimana P. Claver
CNDD — political party	Ndikumana Nephtali
UPRONA — political party	Mabobori Catherine
MRC — political party	Anselme Hatungimigabo
CNDD-FDD — political party	Félicien Nduwuburund
Public sector (Bashingantahe institution)	Pancrace Ndabatinye
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Justin Nzoyisaba
COMIBU	Nkurikiye Ramadhan
European Union	Gilles Landsberg Arthur Kibbelaar
United Nations	Mbaye Faye Gerard Chagniot
Working group on justice, promotion of human rights and action to combat impunity	
Government	Jean Makenga Gaudence Sindayigaya Germain Ntawuyamara
Women's associations	Adalaïde Ndayisenga
Civil society organizations — Association burundaise pour la protection des droits humains et des personnes détenues (Burundian Association for the Protection of Human Rights and Detained Persons (APRODH))	Pierre Claver Mbonimpa

Sectors and entities represented	*Names of representatives*
Association burundaise des journalistes (Burundian Journalists' Association)	Nestor Ntiranyibagira
Catholic Church	Abbé Charles Karorero
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Gustave Niyonizigiye Alexis Kubwimana Tite Ningejeje
Public sector (Bashingantahe institution)	Zénom Nicayenzi
ICRC	Bertrand Lamon Marianne Gasser
COMIBU	Khaled Feruzi
MRC — political party	Léonidas Nyamwana
CNDD — political party	Nsabimana Jeanne d'Arc
CNDD-FDD — political party	Christien Nkurunziza Gélase Ndabirabe
FRODEBU — political party	Clotilde Bizimana
European Union	Sue Hogwood
United Nations	Jean-Luc Marx Francis James
Working group on the land issue and socio-economic recovery	
Government	Annociate Sendazirasa
Catholic Church	Abbé Thérence Ntitangirageza
Women's associations	Monique Rwasa
Private sector	Ndanezerewe M. Goreth
Civil society organizations forum — Forum pour le reinforcement de la société civile (Forum for Strengthening Civil Society (FORSC))	Grégoire Gahungu
Association burundaise des journalistes (Burundian Journalists' Association)	Dorothée Bigirimana
Public sector (Bashingantahe institution)	Bernard Ruvuzakinono
CNDD-FDD — political party	Mugisha Consolation
CNDD — political party	Nibampa Francine
UPRONA — political party	Kabindigiri Christophe

Sectors and entities represented	*Names of representatives*
FRODEBU — political party	Roher Kanyaru Minagri
Conseil national des églises du Burundi (National Council of Churches of Burundi)	Alexandre Sinzinkayo
COMIBU	Nshimirimana M. Louise Rukiya
European Union	Thomas Petereit
United Nations	Bo Schack Gustavo Gonzalez Andreas Kirchhof Fadela Novak Aissata De Gerard Gravel Louis Nduwimana

United Nations PBC/3/BDI/3

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Peacebuilding Commission
Third session
Burundi configuration
6 February 2009

Conclusions of the second biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi

The Peacebuilding Commission:

1. *Welcomes* the second biannual report on the Strategic Framework for Peacebuilding in Burundi[1] and expresses its appreciation for the contributions of the Government of Burundi, representatives of the civil society, women's organizations, the private sector, political parties, religious groups, the Bashingantahe institution and international partners, with support from the United Nations Integrated Office in Burundi, to the preparation of that report;

2. *Also welcomes* the progress made in the implementation of the Strategic Framework, in particular the significant progress achieved in the peace process between the Government of Burundi and the Forces Nationales de Libération (FNL); the resumption of parliamentary activity; the efforts to improve political and economic governance; the reform of the justice system; and the professionalization of the security forces, as well as the adoption of a national land tenure policy paper and the Land Code;

3. *Further welcomes* the continued financial support provided by multilateral and bilateral partners as well as the political support provided, in particular by the Regional Initiative for the Burundi Peace Process and the South African Facilitation, in support of the peace process, and notes with satisfaction the fact that Burundi had qualified for the International Monetary Fund-World Bank Heavily Indebted Poor Countries Initiative which allowed for significant debt relief;

4. *Requests* the Peacebuilding Support Office to present at future biannual review meetings a strategic assessment of the impact of the Peacebuilding Commission in support of peacebuilding in Burundi, and in this regard calls upon all members of the Commission's Burundi-specific configuration to report to the

[1] PBC/3/BDI/2.

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Support Office on its response to the conclusions and recommendations of the Commission;

5. *Reaffirms* that the priority areas identified in the Strategic Framework remain relevant and calls on the Government, international partners and other stakeholders to implement their commitments, and in this regard recommends that:

A. The Government of Burundi

1. Elections and the political environment

(a) Ensure an environment conducive to the holding of free, fair and peaceful elections in 2010, including through an inclusive process for the establishment of the electoral framework and a credible National Independent Electoral Commission, promoting constructive dialogue and political space, and promoting and respecting civil and political rights;

2. Good governance and the fight against corruption

(b) Take further action to fight corruption and prosecute those responsible, including the conclusion of cases such as that against the oil company Interpetrol and that concerning the sale of the Falcon 50 presidential jet, and to build capacities to administer and strengthen public and local services;

3. Implementation of the Comprehensive Ceasefire Agreement

(c) Ensure, together with the Forces Nationales de Libération, the timely implementation of the outstanding elements of the 4 December 2008 and 17 January 2009 Bujumbura agreements without further delay, namely, the immediate release of children associated with FNL, the release of prisoners of FNL, the disarmament, demobilization and reintegration of FNL combatants, the registration of FNL as a political party, the integration of FNL into national institutions and the integration of FNL combatants into the army and police;

4. Security sector reform

(d) Prepare a comprehensive national plan for security sector reform, including the establishment of an agreed framework and modalities for rightsizing and ensuring the professionalization of the army, the police and the national intelligence service, and rendering the police, defence and intelligence services accountable;

5. Human rights and the rule of law

(e) Increase efforts to broaden the respect for and protection of human rights and enforce the rule of law, including through measures to improve the performance and independence of the judiciary; to establish the National Independent Human Rights Commission consistent with international norms and the Paris Principles; to take decisive action against the perpetrators of violent acts, including against women, children and "albinos"; and to improve efforts to end impunity and conclude existing cases expeditiously, including those relating to the Gatumba massacres and the Kinama killings;

6. Transitional justice

(f) Take forward the nationwide consultation process on the establishment of the transitional justice mechanisms and provide an environment conducive to the conduct of these consultations so as to ensure the timely establishment of the Truth and Reconciliation Commission;

7. Socio-economic recovery

(g) Finalize, in consultation with international partners, and start to implement, the strategy for durable socio-economic reintegration of former FNL combatants, demobilized soldiers, ex-combatants, the displaced and other vulnerable groups affected by the conflict;

8. Land tenure

(h) Implement the land tenure policy paper and put in place mechanisms to coordinate land dispute resolution;

9. The gender dimension and reintegration of refugees and vulnerable groups

(i) Continue the efforts directed towards the achievement of the agreed minimum of 30 per cent female representation in public services, and continue to support the implementation of the Integrated Rural Villages programme which promotes durable solutions to the problems of landless returnees and vulnerable groups, in particular women;

10. International assistance

(j) Activate the Groupe de Coordination des Partenaires, with a view to maintaining regular and constructive dialogue with national stakeholders and international partners on the priorities within the Strategic Framework and the poverty reduction strategy paper and advising the Peacebuilding Commission on how it can effectively support peacebuilding efforts in Burundi;

B. International partners

11. Peace process

(k) Continue to monitor and support the implementation of the Comprehensive Ceasefire Agreement and the follow-up to the Bujumbura agreement, including through the Regional Initiative, the South African Facilitation, the African Union, the United Nations Integrated Office in Burundi and other members of the Political Directorate;

12. Disarmament, demobilization and reintegration

(l) Provide the necessary financial and technical support to enable the Government of Burundi and FNL to complete the implementation of the Comprehensive Ceasefire Agreement, as agreed to in the conclusions of the Burundi

configuration of the Peacebuilding Commission of 12 December 2008,[2] including support for disarmament, demobilization and reintegration of FNL combatants;

13. Political dialogue

(m) Encourage and support the efforts of the Government to establish a permanent forum for political dialogue among the political parties and civil society, including women's and religious groups;

14. Mobilization of resources

(n) Continue to support the implementation of the Government's priorities as set out in the Priority Action Programme to ensure that essential public services are delivered and the economic needs of Burundi are met;

15. Aid effectiveness

(o) Take effective measures for increased coordination, harmonization and alignment in accordance with the Paris Principles and the commitments contained in the Accra Agenda for Action;[3]

16. International assistance

(p) Actively participate in the Groupe de Coordination des Partenaires, with a view to maintaining a regular and constructive dialogue with the Government and national stakeholders on the priorities in the Strategic Framework and the poverty reduction strategy paper and advising the Peacebuilding Commission on how it can effectively support peacebuilding in Burundi;

6. *Decides* that, during the forthcoming biannual review period, the Peacebuilding Commission will specifically:

(a) Advocate for and follow-up on the implementation of the conclusions arising from the second biannual review;

(b) Continue to advocate for support for activities relating to the Strategic Framework for Peacebuilding in Burundi, including helping to widen Burundi's donor base and engaging non-traditional partners;

(c) Continue to support the implementation of the peace process through the Regional Initiative for the Burundi Peace Process, the South African Facilitation, the African Union, the United Nations Integrated Office in Burundi and other members of the Political Directorate, in particular through ensuring the availability of the resources necessary for disarmament, demobilization and reintegration of FNL combatants;

(d) Provide advice, support and monitoring in respect of national efforts to create an environment conducive to the conduct of free, fair and peaceful democratic elections in 2010, including, as a first step, the organizing of a thematic meeting on the elections in early 2009 in order to identify challenges that will require support from the Peacebuilding Commission and partners;

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[2] PBC/3/BDI/1.

[3] A/63/539, annex.

(e) Mobilize support for the strategy for durable socio-economic reintegration of FNL ex-combatants and other ex-combatants and demobilized persons, when such a strategy has been developed and finalized in consultation with partners in Burundi;

(f) Provide advice and guidance on strategic approaches to peacebuilding, including transitional justice and socio-economic reconstruction, drawing on best practices and lessons learned in other countries, and extending outreach to civil society organizations;

(g) Encourage international partners to streamline and better coordinate their bilateral and multilateral assistance in line with the Burundi poverty reduction strategy paper;

(h) Advocate within the Security Council and the relevant agencies of the United Nations system to ensure that the role of the United Nations Integrated Office in Burundi in support of the work of the Government and the Commission is taken into account in the forthcoming mandate review;

(i) Work with the Government of Burundi to review and update the Monitoring and Tracking Mechanism, inter alia, to ensure that the Strategic Framework and the poverty reduction strategy paper processes are aligned, and to conclude the review by May 2009 at the latest.